

**Minutes
Bar Harbor Planning Board
August 20, 2008
Council Chambers – Municipal Building
93 Cottage Street**

Members present: Kevin Cochary, Vice-Chair; Lynne Williams, Secretary, Dave Bowden

Also present: Anne Krieg, Planning Director

I. CALL TO ORDER — 6:03 p.m.

II. EXCUSED ABSENCES

Mr. Bowden moved to excuse Ms. Stevens-Rosa from the meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.

III. ADOPTION OF THE AGENDA

Mr. Bowden moved to adopt the agenda. Ms. Williams seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Ms. Williams moved to approve the minutes from the August 6 meeting. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

- A. Public Hearing: Land Use Ordinance Amendment – Wireless Communications Facilities** – Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to change the standards to add a 1,500 foot setback to private compulsory schools and child care centers, increase the setback of public schools from 500 feet to 1,500 feet and make other minor language modifications.

Mr. Cochary asked the Board if there were any comments on the articles. The Board had no comments.

Mr. Cochary opened the hearing to the public. There was no public comment.

Ms. Krieg explained the meaning of the Planning Board votes for recommending an article ought to pass or ought not to pass.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 3-0 to approve the motion.

- B. Public Hearing: Land Use Ordinance Amendment – Shoreland Standards** – Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to amend the regulations for Shoreland Districts.

Mr. Cochary asked the Board if there were any comments on the article.

Mr. Bowden asked what the process is if the town decides not to adopt the state standards. Ms. Krieg explained that such an action would be difficult for the Code

Enforcement Officer because she is compelled to follow state regulations but she would need to check with the town attorney to determine the process.

Mr. Cochary commented that many of the changes are being driven by the state instead of the town and its important that the public know that.

Mr. Cochary asked about the 30% expansion rule and Ms. Krieg noted there was a typo in the document and noted it would be fixed.

Mr. Cochary opened the hearing to the public. There were no public comments.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 2-1 to approve the motion with Mr. Bowden voting nay.

C. Public Hearing: Land Use Ordinance Amendment – Planned Unit Development – Outlying Area - Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to add new standards to the Planned Unit Development – Outlying Area guidelines and make accompanying definition changes.

Mr. Cochary asked the Board if there were any comments on the article. There were no comments.

Mr. Cochary opened the hearing to the public.

Mr. Jules Opton-Himmel commended the Board on its efforts to improve the PUD ordinance and noted he feels the changes will help the town with development projects.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 3-0 to approve the motion.

D. Public Hearing: Land Use Ordinance Amendment – Planning Board Procedure - Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to make changes to the Planning Board's site plan review procedure.

Mr. Cochary asked the Board if there were any comments on the article. There were no comments.

Mr. Cochary opened the hearing to the public.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 3-0 to approve the motion.

E. Public Hearing: Land Use Ordinance Amendment – Non-conforming Vacation Rentals - Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to change the language of how and when landlords show proof of vacation rentals on non-homestead exemption properties.

Mr. Cochary asked the Board if there were any comments on the article. There were no comments.

Mr. Cochary opened the hearing to the public.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 3-0 to approve the motion.

F. Public Hearing: Land Use Ordinance Amendment – Residential Garage

Definition - Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to change the definition of a residential garage to remove the requirement that it not be more than 35% of the ground floor area of any principal one or two-family dwelling.

Mr. Cochary asked the Board if there were any comments on the article. There were no comments.

Mr. Cochary opened the hearing to the public.

Mr. Bowden confirmed with Ms. Krieg that this request came from the Code Enforcement Officer.

The Board discussed the proposed change.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 3-0 to approve the motion.

G. Public Hearing: Land Use Ordinance Amendment – Gross Leasable Area -

Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to change the definition of Gross Leasable Area.

Mr. Cochary asked the Board if there were any comments on the article. There were no comments.

Mr. Cochary opened the hearing to the public.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 3-0 to approve the motion.

H. Public Hearing: Land Use Ordinance Amendment – Exceptions to Setbacks -

Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to allow for exceptions to setbacks within the shoreland districts.

Mr. Cochary asked the Board if there were any comments on the article. There were no comments.

Mr. Cochary opened the hearing to the public.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 3-0 to approve the motion.

I. Public Hearing: Land Use Ordinance Amendment – Temporary Storage

Facilities - Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to allow for construction or job site office or equipment storage facilities to be in place for the duration of construction.

Mr. Cochary asked the Board if there were any comments on the article. There were no comments.

Mr. Cochary opened the hearing to the public.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 3-0 to approve the motion.

- J. Public Hearing: Land Use Ordinance Amendment – Height (Downtown Business Districts) Definition** – Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to change the definition of Height in the Downtown Business Districts.

Mr. Cochary asked the Board if there were any comments on the article. There were no comments.

Mr. Cochary opened the hearing to the public.

Ms. Williams moved to recommend the article ought to pass. Mr. Bowden seconded and the Board voted 3-0 to approve the motion.

VI. OTHER BUSINESS

VII. PLANNING DIRECTOR'S REPORT

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Ms. Williams asked planning staff to research an ordinance on commercial water withdrawals.

The Board discussed affordable housing and next steps.

IX. ADJOURNMENT

Signed as approved:

Lynne Williams, Secretary
Planning Board, Town of Bar Harbor

Date